IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.79874 -M of 2006

DATE OF DECISION: FEBRUARY 5, 2007

Balwinder Singh @ Papu

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.N.S.Sodhi, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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Petitioner Balwinder Singh @ Papu has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.145 dated 21.10.2006 registered under Sections 15/61/85 of the NDPS Act at Police Station Bhulath.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 13.12.2006 passed by the Judge, Special Court, Kapurthala, whereby bail has been declined to the petitioner.

The petitioner is in custody since 21.10.2006. In this case, 50 Kgs. of poppy husk was alleged to have been recovered from the possession of the petitioner at the spot. Counsel for the petitioner contends that the commercial quantity is above 50 Kgs., therefore, recovery in this case is non-commercial.

Keeping in view the period of custody and the alleged recovery, I am not inclined to grant regular bail to the petitioner at this stage.

Dismissed.

However, the trial court is directed to conclude the trial in this case within six months. In case the trial is not concluded within the aforesaid period, it will be open for the petitioner to apply afresh for bail

before the court concerned and if any such application is filed, the same will be considered.

February 5, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE